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Attorneys for Plaintiff and
 Counterclaim-Defendant Apple Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

14 APPLE INC., a California corporation,
 15 Plaintiff,

16 vs.

17 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity, SAMSUNG
 18 ELECTRONICS AMERICA, INC., a New
 York corporation, and SAMSUNG
 19 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,

20 Defendants.

21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity, SAMSUNG
 22 ELECTRONICS AMERICA, INC., a New
 York corporation, and SAMSUNG
 23 TELECOMMUNICATIONS AMERICA,
 24 LLC, a Delaware limited liability company,

25 Counterclaim-Plaintiffs,

26 v.

27 APPLE INC., a California corporation,

28 Counterclaim-Defendant.

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF MARK D. SELWYN
 IN SUPPORT OF APPLE'S MOTION TO
 STRIKE**

Hearing: TBD
 Time: TBD

SUBMITTED UNDER SEAL

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I, Mark D. Selwyn, declare as follows:

1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP and counsel for plaintiff and counterclaim-defendant Apple Inc. I submit this declaration in support of Apple's Motion to Strike Evidence Not Disclosed as Required by Patent Local Rule 4-3(b). I am familiar with and knowledgeable about the facts stated in this declaration and if called upon could and would testify competently as to the statements made herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the Deposition of Joe Tipton Cole, dated December 16, 2011.

3. Attached hereto as **Exhibit B** is a true and correct copy of a December 5, 2011 Letter from Bethany Stevens to Todd Briggs.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Dated: December 22, 2011

/s/ Mark D. Selwyn
Mark D. Selwyn

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on December 22, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark. D Selwyn
Mark D. Selwyn